

## The State of South Carolina



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February 23, 1987

Larry C. Batson, Esquire  
South Carolina Department of Corrections  
P. O. Box 21787  
Columbia, South Carolina 29221

Dear Larry:

You have requested advice as to whether §24-25-70 (7) of the Code of Laws of South Carolina, 1976, as amended, requires the Board of Trustees of the Palmetto Unified School District #1 (Palmetto) to pay its teachers salaries consistent with the minimum salary schedule for teachers in other school districts. Section 24-25-70 (7) provides that Palmetto's Board shall establish a "...teachers' pay schedule based on the State and average school supplement pay scales." Palmetto is a School District operating within the Department of Corrections on a twelve month basis and has converted the State minimum salary schedule to this basis for the purposes of determining the salary of its teachers. See §§24-25-10 and 24-25-70.


Although a plain reading of the above provisions of §24-25-70 (7) clearly suggests that the salary schedule for Palmetto teachers should be equivalent to the State minimum salary schedule adjusted for twelve months' teaching, this question is expressly resolved by a proviso in the 1986 Appropriations Act, Act 540, Part 1, §30, p. 4394. This proviso requires the school district to comply with that part of the Education Finance Act that contains the requirements for the minimum salary schedule. Section 59-20-50(4)(a). Although this proviso specifically refers to the original 1977 law adopting the Education Finance Act (Act 163 of 1977), the 1977 Act's provisions have been amended as set forth in the supplement to the 1976 Code and no intent is indicated in the proviso that standards should apply other than those in the amended law. Therefore, salaries must be equivalent to those set forth in the current minimum salary schedule. Louis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970); Sutherland Statutory Construction, Vol. 2A, §51.02; see South Carolina Department of Highways and Public Transportation v. Dickinson, 341 S.E.2d 134 (S.C. 1986). Of course, because Palmetto

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teachers teach on a twelve month basis, the schedule must be converted to reflect the additional months of teaching of the Palmetto teachers to be consistent with the legislative requirements for the twelve month program and funding for twelve months' operation. §24-25-70(7), Act 540, §30; Louis v. Gaddy, supra, Sutherland, Vol. 2A, §51.02.

In conclusion, the Palmetto School District is required to pay its teachers salaries equivalent to those on the minimum salary schedule adjusted to reflect the extra months of teaching provided by Palmetto teachers. If you have any questions or if I may be of other assistance, please let me know.

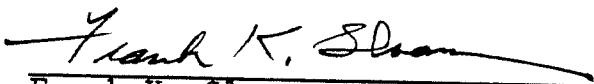
Yours very truly,



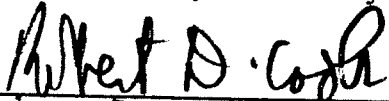
J. Emory Smith, Jr.  
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REVIEWED AND APPROVED BY:



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Deputy Attorney General